

THE HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JANICE M. McMANN, Individually and as Personal Representative of the heirs and estate of DALE E. McMANN,  Plaintiff,  v.  AIR & LIQUID SYSTEMS CORPORATION, successor by merger to Buffalo Pumps, Inc., et al;  Defendants.	NO. 3:16-cv-05635 RBL  <b>DECLARATION OF BRIAN WEINSTEIN IN SUPPORT OF PLAINTIFF'S OPPOSITION TO IMO INDUSTRIES, INC.'S MOTION FOR SUMMARY JUDGMENT</b>  <b>NOTED ON MOTION CALENDAR: FEBRUARY 2, 2018</b>  <b>ORAL ARGUMENT REQUESTED</b>
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I, Brian Weinstein, declare and state as follows:

1. I am over the age of 18 years and am competent to testify to the matters below.

2. I am one of the attorneys representing Plaintiff, Janice M. McMann, Individually and as Personal Representative of the heirs and estate of Dale E. McMann, deceased, and make this Declaration in support of Plaintiff's Opposition to IMO Industries, Inc., individually and as successor-in-interest to DeLaval Steam Turbine, Inc.'s Motion for Summary Judgment.

DECLARATION OF BRIAN WEINSTEIN IN SUPPORT OF  
PLAINTIFF'S OPPOSITION TO IMO INDUSTRIES, INC.'S  
MOTION FOR SUMMARY JUDGMENT

THE NEMEROFF LAW FIRM  
3355 WEST ALABAMA STREET, STE. 650  
HOUSTON, TEXAS 77098  
TELEPHONE: 281.378.5970  
FACSIMILE: 281.378.5976

1           3.       Attached hereto as **Exhibit “1”** is a copy of the Deposition of Dale McMann,  
2 Volume I, dated May 28, 2014;

3           4.       Attached hereto as **Exhibit “2”** is a copy of the Deposition of Dale McMann,  
4 Volume II, dated May 29, 2014;

5           5.       Attached hereto as **Exhibit “3”** is a copy of IMO Industries Inc.’s Discovery  
6 Responses, in *Murphy v. Owens Corning, et al.*, No. CC-99-08033-B, Dallas County, Texas,  
7 dated July 18, 2000.

8           6.       Attached hereto as **Exhibit “4”** is a copy of Excerpts of the Deposition of Henry  
9 Hartz, in *Porter et al. v. ACandS, Inc., et al.*, No. 005573-D, Nueces County District Court,  
10 Texas, dated June 3, 2004.

11           7.       Attached hereto as **Exhibit “5”** is a copy of Excerpts of the Deposition of the  
12 Deposition of Henry Hartz in *Foreman v. Quigley Company, et al.*, No. A020048-C, District  
13 Court for Orange County, Texas.

14           8.       Attached hereto as **Exhibit “6”** is a copy of the Excerpts of the Deposition of  
15 Richard Salzmman, in *Lane v. Alstom Power Inc., et al.*, No. 310-15-3, Los Angeles County  
16 Superior Court, California, dated June 8, 2005.

17           9.       Attached hereto as **Exhibit “7”** is a copy of Excerpts of the Deposition of  
18 Richard Salzmman, in *Lane v. Alstom Power Inc., et al.*, No. 310-15-3, Los Angeles County  
19 Superior Court, California, dated June 7, 2005.

20           10.      Attached hereto as **Exhibit “8”** is a copy of Excerpts of the Deposition of  
21 Richard Salzmman in *Whitmire v. Alfa Laval Inc., et al.*, No. 374718, Superior Court for Los  
22 Angeles County, California, dated February 19, 2008.

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1           11. Attached hereto as **Exhibit “9”** is DeLaval *List of Spare Parts for LP Turbine*  
2 (1969) and *Bill of Materials*.

3           12. Attached hereto as **Exhibit “10”** is a copy of Excerpts of the Deposition of  
4 Richard Salzmman, in *Miller et al. v. Alfa Laval Inc., et al.*, No. 381-085, Superior Court of Los  
5 Angeles County, California, dated October 20, 2009.

6           13. Attached hereto as **Exhibit “11”** is a copy of DeLaval Internal Correspondence  
7 re: transition to non-asbestos gaskets, dated 1985 – 1988.

8           14. Attached hereto as **Exhibit “12”** is a copy of DeLaval Manual, Series A3D  
9 Pumps.  
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11           15. Attached hereto as **Exhibit “13”** is a copy of DeLaval Instructions and Parts  
12 List, Series A313A Pumps.

13           16. Attached hereto as **Exhibit “14”** is a copy of the Declaration of Melvin  
14 Wortman, dated March 13, 2009.

15           17. Attached hereto as **Exhibit “15”** is a copy of the Deposition of Melvin  
16 Wortman, dated April 10, 2009.

17           18. Attached hereto as **Exhibit “16”** is a copy of the Deposition of Melvin  
18 Wortman, dated April 16, 2009.

19           19. Attached hereto as **Exhibit “17”** is a copy of the Expert Report of Stephen  
20 Paskal, CIH, dated May 22, 2014.

21           20. Attached hereto as **Exhibit “18”** is a copy of the Supplemental Expert Report of  
22 Stephen Paskal, CIH, dated September 10, 2014.  
23  
24  
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1           21. Attached hereto as **Exhibit “19”** is a copy of the Affidavit of Arthur Frank  
2 M.D., Ph.D., dated June 17, 2014.

3           22. Attached hereto as **Exhibit “20”** is a copy of the Supplemental Affidavit of  
4 Arthur Frank, M.D., Ph.D., dated October 2, 2017.

5           23. Attached hereto as **Exhibit “21”** is a copy of the General Affidavit of Arthur  
6 Frank, M.D., Ph.D., dated December 20, 2016.

7           24. Attached hereto as **Exhibit “22”** is a copy of the Affidavit of Captain William  
8 A. Lowell, dated October 24, 2014.

9           25. Attached hereto as **Exhibit “23”** is a copy of Manual L-1, *Warning Labels: A*  
10 *Guide for the Preparation of Warning Labels for Hazardous Chemicals*, Manufacturing  
11 Chemists’ Association (1956).

12           26. Attached hereto as **Exhibit “24”** is a copy of Military Standard: *Marking For*  
13 *Shipment and Storage*, MIL-STD-129B (1957).

14           27. Attached hereto as **Exhibit “25”** is a copy of Military Standard: *Marking For*  
15 *Shipment and Storage*, MIL-STD 129C (1960).

16           28. Attached hereto as **Exhibit “26”** is a copy of Military Specification: *Plates,*  
17 *Tags, and Bands for Identification of Equipment*, MIL-P-15024D (1971).

18           29. Attached hereto as **Exhibit “27”** is a copy of Military Specification:  
19 *Preservation, Packaging, Packing and Marking of Pumps*, MIL-P-16789B (1962).

20           30. Attached hereto as **Exhibit “28”** is a copy of Military Specification: *Turbines,*  
21 *Steam, Propulsion For Naval Shipboard Use*, MIL-T-17600A (1955).

1           31. Attached hereto as **Exhibit “29”** is a copy of Military Standard: *Symbols for*  
2 *Packages And Containers For Hazardous Industrial Chemicals And Materials*, MIL-STD-  
3 1341A (1970).

4           32. Attached hereto as **Exhibit “30”** is a copy of Federal Standard: *Symbols for*  
5 *Packages And Containers For Hazardous Industrial Chemicals And Materials*, Std. No. 313  
6 (1971).

7           33. Attached hereto as **Exhibit “31”** is a copy of Excerpts of the Deposition of  
8 Adam Martin in *In Re: Asbestos Cases*, U.S. Dist. Court for the E.D.V.A., C/P No. 77-1, dated  
9 January 28, 1983.

10           34. Attached hereto as **Exhibit “32”** is a copy of Defendant United States of  
11 America’s Supplemental Discovery Responses in *GAF v. United States*, No. 287-83-C, United  
12 States Claims Court, dated August 21, 1984.

13           35. Attached hereto as **Exhibit “33”** is a copy of the Dept. of the Navy, *Uniform*  
14 *Labeling Program*, SECNAV 5160.8 (1956).

15           36. Attached hereto as **Exhibit “34”** is a copy of the Dept. of the Navy, NAVSUP  
16 Publication 4500, *Consolidated Hazardous Items List*, (“CHIL”) (1969).

17           37. Attached hereto as **Exhibit “35”** is a copy of the Dept. of the Navy, Supply  
18 Systems Cmd, NAVSUP Pub. 4500, *Consolidated Hazardous Item List* (“CHIL”) (1977)

19           38. Attached hereto as **Exhibit “36”** is a copy of Excerpts of Deposition of David  
20 Sargent, in *Gray v. John Crane Inc., et al.*, Case No. CL0800724PT, in the Circuit Court for  
21 the City of Newport News, Virginia, dated April 29, 2009.



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11 Personal Representative of the heirs and estate of  
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14 v.

15 AIR & LIQUID SYSTEMS CORPORATION,  
16 successor by merger to Buffalo Pumps, Inc., et  
17 al;

18 Defendants.

NO. 3:16-cv-05635 RBL

**CERTIFICATE OF SERVICE**

19 **CERTIFICATE OF SERVICE**

20 I hereby certify that on January 29, 2018 I electronically filed the foregoing with the  
21 Clerk of the Court using the CM/ECF system which will send notification of such filing to the  
22 below listed counsel.

23 I further certify that I have served by mail, facsimile and/or email the document to any  
24 non CM/ECF participant.

25 /s/ Barrett Naman

Barrett Naman, *Pro Hac Vice*

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**Via Electronic Mail:**

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